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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <i>NO08405</i>									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u><i>Dec. 16, 2005</i></u> Signature <u><i>Frank J. Kozak</i></u> Typed or printed name <u><i>FRANK KOZAK</i></u>		Application Number <i>09/784,660</i>	Filed <i>2/15/2001</i>								
		First Named Inventor <i>KHAN</i>									
		Art Unit <i>2654</i>	Examiner <i>ARMSTRONG</i>								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td><u><i>Frank J. Kozak</i></u> Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td><u><i>FRANK J. KOZAK</i></u> Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u><i>32,908</i></u></td><td><u><i>(312) 894-7371</i></u> Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td><u><i>Dec. 16, 2005</i></u> Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	<u><i>Frank J. Kozak</i></u> Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u><i>FRANK J. KOZAK</i></u> Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u><i>32,908</i></u>	<u><i>(312) 894-7371</i></u> Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u><i>Dec. 16, 2005</i></u> Date
<input type="checkbox"/> applicant/inventor.	<u><i>Frank J. Kozak</i></u> Signature										
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
Case No. N0084US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
KHAN et al.	)	
	)	
Serial No. 09/784,660	)	Group: 2654
	)	
Title: DYNAMIC BUILDING,	)	Examiner:
MAINTENANCE AND USE OF	)	ANGELA A. ARMSTRONG
SPATIAL WORD LIST FOR	)	
AUTOMATIC SPEECH	)	
GENERATION	)	
	)	
Filed: February 15, 2001	)	

**PRE-APPEAL BRIEF**

Commissioner for Patents  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant submits this Pre-Appeal Brief pursuant to the Pilot Program published in the OG on July 12, 2005. This Pre-Appeal Brief accompanies a Notice of Appeal of the final Office Action that was mailed on September 22, 2005.

In the final Office Action, Applicant's Claim 19 was rejected as obvious over the combination of Wakisaka (U.S. Pat. No. 6,112,174) and Zavoli (U.S. Pat. No. 6,598,016). For the reasons explained below, Applicant's Claim 19 is not obvious over this combination of references and accordingly, the rejection of Claim 19 should be withdrawn.

Applicant's Claim 19 recites *inter alia* an "automatic speech recognition system" for a vehicle that uses a "word list" containing two parts. The "first part" "changes to include different words as the vehicle travels in the region" and includes "words" for "names of geographic features in proximity to the current location of the vehicle." The "second part" of the "word list" "does not change . . . as the vehicle travels" and includes "words for names of selected geographic features located throughout the

*region.*” Applicant’s Claim 19 further recites that both the “*first part*” and the “*second part*” are available “*at the same time*” so that the words in either “*list*” can be recognized, thereby allowing for recognition of names for geographic features located in proximity to the vehicle as well as for selected geographic features not located in proximity to the vehicle.

In a Response dated May 11, 2005, Applicant explained that Claim 19 was not obvious over Wakisaka and Zavoli because even if these references were combined, the resultant combination would fail to disclose all the limitations of the claim. Specifically, Applicant explained that the resulting combination of Wakisaka and Zavoli would fail to disclose the “*second part*” of a “*word list*” that “*does not change . . . as the vehicle travels*” and that includes “*words for names of selected geographic features located throughout the region*”, as recited in Applicant’s Claim 19. By way of proof, Applicant described what the combination of Wakisaka and Zavoli would produce and showed that the combination of Wakisaka and Zavoli would result in something different from Applicant’s Claim 19. Specifically, Applicant explained that if Wakisaka and Zavoli were combined, the result would be a navigation system with a speech recognition system that had two dictionaries, where one of the dictionaries would contain the names of geographic features that changed as the system was moved (e.g., like the system described by Wakisaka) and the other dictionary would not include names of geographic features, but instead would include commands and numbers (e.g., like the system described by Zavoli).

In the final Office Action, the Examiner disagreed with Applicant’s explanation. In the final Office Action, the Examiner stated

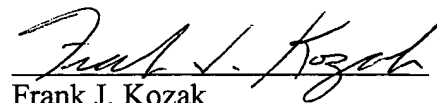
Zavoli teaches modules VR1 and VR2 for voice recognition systems that provide for two separate dictionaries such that one module can be used for number and a small set of commands and the other can be street names for a particular map. This set of more than one module for voice recognition with multiple dictionaries reads on the feature that the word list includes a 2<sup>nd</sup> part that does not change to include different words as the vehicle travels in the region and that includes words for names of selected geographic features located throughout the region (column 5, line 10 to col. 6. line 31) wherein both the first and second part are available to the automatic speech recognition system at the same time ( [sic] particularly when representing a trip. (Final Office Action, page 4, lines 8-16.)

The Examiner is mistaken for the following reason.

Contrary to the position taken by the Examiner, the two modules VR1 and VR2 disclosed by Zavoli are not both “*available to the automatic speech recognition system at the same time*”, as recited in Applicant’s Claim 19. Several passages in Zavoli explicitly confirm the fact that the two speech modules, VR1 and VR2, are not both available at the same time. For example, Zavoli discloses a “state diagram” (Zavoli: column 6, line 32-column 7, line 42; and FIG. 3). In Zavoli’s state diagram, VR1 is used when the system is in “Map Display”, “Digit”, and “Geo Start” states, but VR2 is used when the system is in the “Street Name” and “Cross Street Name” states. Further, Zavoli discloses a flowchart showing steps in a process in which either VR1 is used or VR2 is used, but not both at the same time (Zavoli: FIGS. 4, 5 and 6; column 7, line 57-column 10, line 16). According to the flowchart in FIGS. 4, 5 and 6, the state variable “*which\_vr*” is set to VR1 at “step 200”, “step 212”, “step 280”, “step 290”, and “step 360.” The state variable “*which\_vr*” is set to VR2 at “step 350” in FIG. 6. These passages from Zavoli explicitly and unequivocally confirm that the two speech modules, VR1 and VR2, are not both available at the same time. It follows therefore that even if the teachings of Zavoli were combined with Wakisaka, the result would still fail to disclose two modules (e.g., dictionaries) that are available at the same time since this feature is disclosed in neither of the references.

At least for the above reasons, Applicant’s Claim 19 is not obvious over the combination of Wakisaka and Zavoli. Applicant requests that the rejection of Claim 19 be withdrawn and the application allowed.

Respectfully submitted,



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